Foreign, Commonwealth & Development Office

The Rt Hon. David Lammy MP
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Sarah Champion MP
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1 September 2025

Dear Sarah,

Thank you for your letter of 12 August 2025 on the subject of arms exports to Israel and the global F-35 programme. I am copying this letter to the Secretary of State for Business and Trade and the Chair of the Business and Trade Committee.

Sadly, since I gave evidence before the Committee in July, the appalling situation in the Occupied Palestinian Territories has continued to deteriorate, and Israel has announced an expansion of military operations in Gaza. As I said in a joint statement with allies on 9 August, the UK strongly rejects this decision. It will aggravate the catastrophic humanitarian situation, endanger the lives of the hostages, and risks further mass displacement of civilians. We also condemn in the strongest terms Israel's decision to approve plans for settlement construction in the E1 area, East of Jerusalem. Israel's Ambassador to the UK was summoned to the Foreign, Commonwealth and Development Office on 21 August in response to this decision.

The UK is not 'arming' Israel's war in Gaza. As you know, one of our first acts in government was to review and suspend export licences that might be used by the IDF in the conflict in Gaza. We have successfully implemented the suspension announced on 2 September 2024 and continue to refuse all such licence applications. As set out to Parliament, the only exception to the suspension is exports to the global F-35 programme.

We are facing a critical moment for European security and war on our continent and the Government has a duty to consider the full implications of all arms export decisions. The F-35 partnership is the largest defence programme in the world with over 1,000 F-35 aircraft in service globally. It is being used every day to keep allied airspace secure and deter Russian aggression. Undermining the programme would significantly disrupt international peace and security, NATO deterrence and European defence. It is for that reason alone that we took the decision to continue exporting to the global programme. However, as we announced last September, we have stopped direct exports of F-35 parts for use by Israel.

You asked several detailed questions on how continued exports to the global F-35 programme are consistent with international law, for which answers are provided below. I also note that the Government's legal position on these was set out in detail in the Skeleton Argument from the recent Al Haq Judicial Review, which was shared with the Committee by the Secretary of State for Business and Trade. This Government will always act in line with domestic and international law.

Genocide Convention

Q1: Does the Government accept that the duty to prevent genocide has been triggered? If so, at what point was this duty triggered? If not, why not?
Q2: If the Government accepts that the duty to prevent genocide has been triggered, what steps is the UK taking to employ "all means" and do "all in their power" to prevent genocide, as far as possible?
Q3: How does the exemption for F-35 components comply with the duty to prevent genocide?

The Government's position is covered in detail in paragraphs 87-101 of the Skeleton Argument from the Al Haq Judicial Review. The duty to prevent genocide under Article I of the Genocide Convention (1948) arises when the UK learns, or should normally have learned, of the existence of a serious risk of genocide. From that moment on, if we have available the means likely to have a deterrent effect on those suspected of preparing genocide or reasonably suspected of harbouring genocidal intent, the UK is under a duty to employ all means reasonably available to us to prevent genocide. This position is in line with the decision of the International of Justice (ICJ) in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro, 2007).

The Government has carefully considered the risk of genocide, including when permitting exports to the F-35 global programme. The high civilian casualties, including women and children, and the extensive destruction in Gaza, are utterly appalling. Israel must do much more to prevent and alleviate the suffering that this conflict is causing. As per the Genocide Convention, the crime of genocide occurs only where there is specific "intent to destroy, in whole or in part, a national, ethnic, racial or religious group." The Government has not concluded that Israel is acting with that intent.

As you highlight, the ICJ is considering a case brought by South Africa against Israel, under the Genocide Convention, and has ordered Provisional Measures, including on humanitarian access in Gaza. Israel is under an obligation to implement such Measures as a matter of international law. The UK has repeatedly recognised the horrors of the conflict in Gaza and has called upon Israel to comply with the Court's orders. The case is ongoing and the Court is yet to hear and rule on the merits. To date, the ICJ has neither found that Israel has breached its obligations under the Genocide Convention, nor ruled on the plausibility of Israel committing genocide. Accordingly, we do not consider that the ICJ's Provisional Measures Orders should be regarded as creating an awareness of a serious risk of genocide.